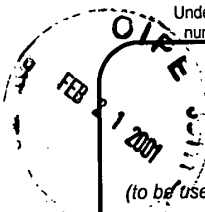


#3

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>Application Number</b>	09/670,598		
	<b>Filing Date</b>	September 10, 2000	
	<b>First Named Inventor</b>	Jonathan C. Lueker et al.	
	<b>Group Art Unit</b>	Unassigned	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>	9	<b>Attorney Docket Number</b>	2207/9048

### ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☒ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☒ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Additional Enclosure(s) (please identify below):

Petition to Correct Inventorship Statement In Support of Petition to Correct Inventorship Amendment to Correct Inventorship

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John C. Altmiller/KENYON & KENYON/1500 K Street, NW #700/Washington, D.C. 20005-257
Signature	
Date	October 13, 2000

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name			
Signature		Date	

+ Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Sec for 13

PATENT  
Docket No.: 2207/9048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Jonathan C. Lueker et al.  
SERIAL NO. : 09/670,598  
FILING DATE: September 29, 2000  
FOR : DATA RECOVERY METHOD AND APPARATUS



ASSISTANT COMMISSIONER  
FOR PATENTS  
Washington, DC 20231

**Letter Concerning Notice to File Missing Parts**

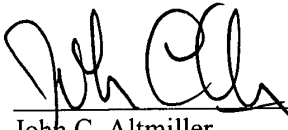
SIR:

This application was filed on September 29, 2000 without a declaration. On October 13, 2000, a Declaration and Power of Attorney (and a Petition to Correct Inventorship) was filed along with authorization to charge any fees to a deposit account. Subsequently, on December 6, 2000, a Notice to File Missing Parts was mailed by the Office. Applicant's submit that such was in error, since the declaration was already on file, with an authorization to charge any amounts due. It is not clear if the fee of \$130 was not charged when the declaration was filed. Applicant's believe that, since the declaration and authorization were timely filed, there should be no extension fee due. However, the Office is once again authorized to charge the fee for late filing of the declaration, if it has not been charged and any other fees to deposit account 11-0600. A copy of the Notice of Missing Parts, along with the papers filed on October 13, 2000 is enclosed.

07/02/2001 SSALEEKU 00000016 110600 09670598  
01 FC:105 130.00 CH

Respectfully submitted,

Dated: December 21, 2000

  
John C. Altmiller  
Registration No. 25,951

KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005-1257  
(202) 220-4200 (T)  
(202) 220-4201 (F)

BE01 351885 v1

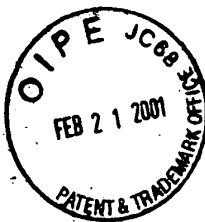


## UNITED STATES PATENT AND TRADEMARK OFFICE

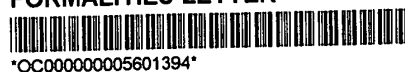
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/670,598	09/29/2000	Jonathan C. Lueker	2207/9048

Kenyon & Kenyon  
1500 K. Street, N.W., Suite 700  
Washington, DC 20005



## FORMALITIES LETTER



\*OC000000005601394\*

Date Mailed: 12/06/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

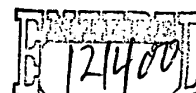
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

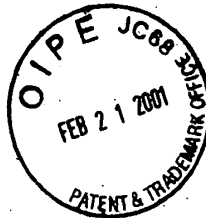
*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

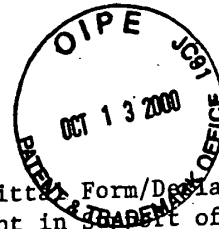
PART 1 - ATTORNEY/APPLICANT COPY





The Stamp of the Patent Office hereon, may be taken as acknowledging the receipt, on the date stamped, of

Applicant : Jonathan C. Lueker et al.  
Serial No. : 09/670,598  
Filed : September 10, 2000  
Group : Unassigned



Assignment/Assignment Recordation/Transmittal Form/Declaration  
Petition to Correct Inventorship/Statement in Support of  
Petition to Correct Inventorship/Amendment to Correct  
Inventorship and IDS w/1449 and one reference

Dkt.#: 2207/9048      October 13, 2000      JCA/jeb

(16)